



SL. No.	Date	Office Notes, reports, orders or proceedings and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>WPMS/1841/2026</u> Urmila Devi --Petitioner Versus Pushpa Agarwal --Respondent <u>Hon'ble Manoj Kumar Tiwari, J.</u> Mr. Vijay Bhatt, Senior Advocate assisted by Mr. Bharat Tewari, Advocate for the petitioner. Ms. Priyanka Agrawal, Advocate for the caveator. 2. In this petition filed under Article 227 of the Constitution of India, petitioner has sought the following relief: "Issue an order or direction to set aside the judgment and order dated judgment and order dated 21.04.2026 passed by learned Board of Revenue, Uttarakhand (Circuit Court) Nainital, in Second Appeal No. 14 of 2025-2026, Smt. Urmila Devi Versus Smt. Pushpa Agarwal (Annexure No.6 page no. 35 to 40) and others as well as judgment and order dated 11.12.2023 passed by learned Assistant Collector 1st Class, Kashipur, District Udham Singh Nagar in Revenue Case No. 22/07 of 2014-15, Keshav Saran Versus Smt. Urmila Devi and others (Annexure No.3 page no. 25 to 27) as well as judgment and order dated 09.09.2025 passed by learned Additional Commissioner (Kumaun Division) Nainital in Z.A. Appeal No. 39/2023-24 (44 of 2024-25), Smt. Urmila Devi Versus Smt. Pushpa Agarwal and others (Annexure No. 4 page no. 28 to 29)." 3. The sole contention raised on behalf of the petitioner is that she was not given opportunity to file objection against the kurras by the Trial Court/Assistant Collector, First Class, Kashipur, therefore judgment rendered by Trial Court, whereby partition suit was decided, is liable to be



		set aside. 4. Learned counsel for the petitioner submits that First Appellate Court and Second Appellate Court also overlooked the said aspect, therefore judgment and orders passed by all the three Courts below are liable to be set aside. 5. Learned counsel for the caveator/respondent No. 1, however, submits that partition suit was filed by petitioner's husband (Mr. Keshav Saran), in which petitioner was added as defendant No. 1; after death of her husband (plaintiff in the suit), petitioner was transposed as plaintiff. 6. She submits that initial kurra was prepared on 06.08.2019 and petitioner's husband filed objection against said kurras and, vide order dated 08.03.2021, kurras were cancelled and direction was issued to prepare fresh kurras. Fresh kurras were prepared on 09.08.2021. 7. She further submits that on 28.07.2023, another order was passed by learned Assistant Collector to prepare fresh kurras for dividing the land belonging to plaintiff (Keshav Saran) amongst his legal representatives and preliminary decree was passed on 19.09.2023 and on 16.11.2023, kurras were prepared and 28.11.2023 was the date fixed for filing objection to the
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		kurras. 8. Learned counsel for the caveator submits that on the date fixed for filing objection, objections were not received against the kurras and counsels appearing for the parties, including petitioner made a statement that they do not propose to file any objection, therefore final decree was prepared on 11.12.2023. 9. In support of this contention, she has drawn attention of this Court to the judgment and decree passed by Assistant Collector, First Class, which is on record as Annexure-3 to the writ petition. In that, the statement made by counsels appearing on behalf of the parties, including petitioner has been noted that they do not have any objection against the map/kurras. 10. Learned Additional Commissioner as well as learned Board of Revenue have considered the said aspect in their judgments. The observation made by trial Court in its judgment dated 11.12.2023 is not disputed by petitioner, and petitioner has simply stated in para 7 of the writ petition that she was not afforded proper opportunity to object to the preliminary decree. 11. Once the Trial Court has given opportunity to the petitioner to file objection to the preliminary
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decree and petitioner did not avail of that opportunity, then she cannot raise any grievance that opportunity to file objection is denied to her. No other submission was raised on behalf of the petitioner.

12. Since petitioner herself was to be blamed for not filing objection to the preliminary decree, therefore, the ground taken by her for challenging the judgment and decree passed by Trial Court as affirmed by Appellate Courts, cannot be sustained in the eyes of law.

13. In such view of the matter, this Court do not find any reason to interfere in the matter.

14. Writ petition fails and is dismissed.

(Manoj Kumar Tiwari, J.)

30.06.2026

Mahinder/

MAHINDER SINGH

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